

**From:** Paul S R Chisholm  
**To:** Microsoft ATR  
**Date:** 1/24/02 9:42pm  
**Subject:** proposed Microsoft settlement

Summary: I don't believe the proposed Microsoft settlement is acceptable in light of Microsoft's prior actions. It neither punishes Microsoft for having abused it's monopoly position, nor discourages Microsoft from future abuse.

(I'm a professional software developer, responsible for a program that runs on both Microsoft and non-Microsoft platforms. My employer would not be considered a competitor of Microsoft; there are some products both produce (not the one I work on), and some that work together. This makes me pretty typical for the industry.)

I believe the conduct restrictions imposed by the settlement on Microsoft are reasonable. I particularly agree with the provisions intended to loosen Microsoft's control over what non-Microsoft products can be offered by PC manufacturers (e.g., allowing the latter to sell dual-boot systems).

I don't think the restrictions will be effective.

- o There is neither admission of guilt, nor punishment for past misdeeds. This is the company that steadfastly denies having a monopoly position, or any wrongdoing. There's no reason to believe they have any reason to change their general behavior in the future.
- o There is no history that Microsoft would abide by the spirit of the letter. This is the company that re-worded the previous settlement to allow precisely the behavior the Government was trying to prohibit; this is the company that, when ordered to produce an operating system without a bundled browser, produced an inoperative operating system and claimed compliance. To describe their "obedience" as legalistic is an affront to the legal system.
- o There is no downside to Microsoft ignoring the settlement. If they fail to settle, they battle in court; if they settle but violate the settlement, they battle in court. The latter course postpones further action by the court. This is the company that has tried to postpone judicial action at every point in the suit. Signing a settlement can be just another way of doing this.

There have been many other criticisms of the settlement; I won't repeat them.

I hope my position aids the court in its decision.

--Paul S. R. Chisholm

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With grief, with determination, and with hope.

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